

5238 Dundas Street West and 28 Jopling Avenue South – Official Plan Amendment and Zoning Amendment Applications – Preliminary Report

Date: January 26, 2022

To: Etobicoke York Community Council

From: Director, Community Planning, Etobicoke York District

Ward: 3 - Etobicoke-Lakeshore

Planning Application Number: 21 215777 WET 03 OZ

Complete Application Submission Date: September 23, 2021

Current Uses on Site: A 1-storey commercial building (Dundas Street Grille) with surface parking spaces at 5238 Dundas Street West and a 1-storey residential dwelling at 28 Jopling Avenue South.

SUMMARY

This report provides information and identifies a preliminary set of issues regarding the application located at 5238 Dundas Street West and 28 Jopling Avenue South for a 40-storey mixed-use building with 475 dwelling units and 380 square metres of retail space on the ground floor. The existing buildings will be demolished and a 340 square metre public park is proposed to be located at 28 Jopling Avenue South.

Staff are currently reviewing the application. It has been circulated to all appropriate agencies and City divisions for comment. Staff will proceed to schedule a community consultation meeting for the application with the Ward Councillor.

RECOMMENDATIONS

The City Planning Division recommends that:

1. Staff schedule a community consultation meeting for the application located at 5238 Dundas Street West and 28 Jopling Avenue South together with the Ward Councillor.
2. Notice for the community consultation meeting be given to landowners and residents within 120 metres of the application site, and to additional residents, institutions and owners to be determined in consultation with the Ward Councillor, with any additional mailing costs to be borne by the applicant.

FINANCIAL IMPACT

The City Planning Division confirms that there are no financial implications resulting from the recommendations included in this report in the current budget year or in future years.

ISSUE BACKGROUND

Pre-Application Consultation

On May 3, 2021, a pre-application consultation meeting was held between City Planning staff and the applicant regarding a proposed 41-storey mixed-use building with a gross floor area of 35,316 square metres. Staff raised concerns regarding the proposed building's height, massing, and appropriate transition towards the lower scale built form to the west. As well, staff suggested the podium be kept at a pedestrian scale with height at or less than 4 storeys.

Application Description

This application proposes to amend the Etobicoke Centre Secondary Plan and the Chapters 320 and 324 of the Etobicoke Zoning By-law for the properties at 5238 Dundas Street West and 28 Jopling Avenue South. The application proposes a 40-storey (131 metres, including 7-metre mechanical penthouse) mixed-use building consisting of 475 dwelling units and 380 square metres of ground floor retail space at 5238 Dundas Street West. The proposal for the site also contains a 144 square metre privately-owned publicly accessible space (POPS). The proposed floor space index is 16.4 times the area of the lot at 5238 Dundas Street West. The 340 square metre parcel at 28 Jopling Avenue South is proposed to be a public park.

Of the 475 dwelling units proposed, 51 are studio units (11%), 248 are one-bedroom units (52%), 120 are two-bedroom units (25%), and 56 are three-bedroom units (12%). The proposal includes 719 square metres of indoor amenity space (1.5 square metres per unit) located on the ground floor and second floor and 763 square metres of outdoor amenity space (1.6 square metres per unit) located on the ground floor and eighth floor.

Vehicular and loading access to the proposed building would be provided by the existing driveway entrance on Jopling Avenue South. The proposed 177 vehicular parking spaces, of which 20% are electric vehicle spaces, will be located in the four levels of underground garage. A total of 390 bicycle parking spaces are also proposed. One internalized Type "G" loading space is provided on the ground floor.

Detailed project information is found on the City's Application Information Centre at: www.toronto.ca/5238DundasStW

See Attachment 2 of this report, for the three dimensional representations of the project in context.

Site and Surrounding Area

The site includes two land parcels at 5238 Dundas Street West and 28 Jopling Avenue South separated by a city-owned strip of land. 5238 Dundas Street West is 2,417 square metres and is bounded by three streets with a frontage of 35 metres along Dundas Street West to the southeast, 40 metres along Jopling Avenue South to the northeast, and 40 metres along Aukland Road to the southwest. Currently, there is an existing 1-storey commercial building with surface parking spaces currently operating as a restaurant (Dundas Street Grille). 28 Jopling Street South has a 1-storey detached house with a 12 metre frontage onto Jopling Street South. See Attachment 1 for the location map.

Assuming Jopling Avenue South is the main north-south street and Dundas Street West being the east-west street, the surrounding land uses are as follows:

North: Etobicoke York Community Council recommended Council approval of the Zoning By-law Amendment application for a 27 and 33-storey mixed use building (19 252405 WET 03 OZ). Further north are 1-2 storey commercial buildings fronting onto Bloor Street West.

East: Six Points Plaza with surface parking spaces. An Official Plan Amendment and Zoning By-law Amendment application has been submitted for this site proposing four mixed use development blocks with buildings heights between 10 and 45 storeys and a public street. Further east, a Zoning By-law Amendment application has been submitted for 4-8 Beamish Drive proposing a 32-storey residential building.

South: Across Dundas Street West is a 40-storey mixed use rental building with commercial space on the ground floor.

West: Across from Aukland Road are 1-storey commercial buildings fronting onto Dundas Street West. The hydro corridor is also located along the west side of Aukland Road. Further west is a residential neighbourhood with 1 and 2-storey detached houses.

Provincial Policy Statement and Provincial Plans

Any decision of Council related to this application is required to be consistent with the Provincial Policy Statement (2020) (the "PPS"), and to conform with applicable Provincial Plans which, in the case of the City of Toronto, include: A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020) (the "Growth Plan (2020)"). The PPS and all Provincial Plans may be found on the Ministry of Municipal Affairs and Housing website.

Growth Plan for the Greater Golden Horseshoe (2020)

The Growth Plan (2020) came into effect on August 28, 2020 and replaces the previous Growth Plan for the Greater Golden Horseshoe, 2019. The Growth Plan (2020) continues to provide a strategic framework for managing growth and environmental protection in the Greater Golden Horseshoe region, of which the City forms an integral

part. The Growth Plan (2020) establishes policies that require implementation through a Municipal Comprehensive Review (MCR), which is a requirement pursuant to Section 26 of the *Planning Act*.

Policies not expressly linked to a MCR can be applied as part of the review process for development applications, in advance of the next MCR. These policies include:

- Directing municipalities to make more efficient use of land, resources and infrastructure to reduce sprawl, contribute to environmental sustainability and provide for a more compact built form and a vibrant public realm;
- Directing municipalities to engage in an integrated approach to infrastructure planning and investment optimization as part of the land use planning process;
- Achieving complete communities with access to a diverse range of housing options, protected employment zones, public service facilities, recreation and green space, and better connected transit to where people live and work;
- Retaining viable lands designated as employment areas and ensuring redevelopment of lands outside of employment areas retain space for jobs to be accommodated on site;
- Minimizing the negative impacts of climate change by undertaking stormwater management planning that assesses the impacts of extreme weather events and incorporates green infrastructure; and
- Recognizing the importance of watershed planning for the protection of the quality and quantity of water and hydrologic features and areas.

The Growth Plan (2020) builds upon the policy foundation provided by the PPS and provides more specific land use planning policies to address issues facing the GGH region. The policies of the Growth Plan (2020) take precedence over the policies of the PPS to the extent of any conflict, except where the relevant legislation provides otherwise. In accordance with Section 3 of the *Planning Act*, all decisions of Council in respect of the exercise of any authority that affects a planning matter shall conform with the Growth Plan (2020). Comments, submissions or advice affecting a planning matter that are provided by Council shall also conform with the Growth Plan (2020).

The Growth Plan (2020) as amended contains policies pertaining to population and employment densities that should be planned for in major transit station areas (MTSAs) along priority transit corridors or subway lines. MTSAs are generally defined as the area within an approximately 500 to 800-metre radius of a transit station, representing about a 10-minute walk. The Growth Plan (2020) requires that, at the time of the next municipal comprehensive review (MCR), the City update its Official Plan to delineate MTSA boundaries and demonstrate how the MTSAs are planned for the prescribed densities.

Toronto Official Plan Policies and Planning Studies

The City of Toronto Official Plan is a comprehensive policy document that guides development in the city, providing direction for managing the size, location, and built form compatibility of different land uses and the provision of municipal services and facilities. Authority for the Official Plan derives from the *Planning Act* of Ontario.

The PPS recognizes the Official Plan as the most important document for its implementation. Toronto Official Plan policies related to building complete communities, including heritage preservation and environmental stewardship may be applicable to any application. Toronto Official Plan policies may be found here:

<https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/official-plan/>

The current application is located on lands shown as a *Centre* on Map 2 and *Mixed Use Areas* on Map 14 – Land Use of the Official Plan. See Attachment 4 for the land use designation of the Official Plan. The application is also located within the Etobicoke Centre Secondary Plan ("the Secondary Plan") and is designated as *Mixed Use Area A* on Map 12-5 Land Use Plan, a designation that provides for both mid-rise and tall buildings. The *Mixed Use Areas* designation provides for a broad range of commercial, residential and institutional uses. See Attachment 5 for the Etobicoke Centre Secondary Plan Land Use Map.

Zoning By-laws

The subject site is zoned "Etobicoke Centre 2" EC2 in the Etobicoke Zoning Code, as amended by By-law 1088-2002. The EC2 zone permits both residential and a range of non-residential uses. The maximum building height permitted is 24 metres and the maximum floor space index permitted is 3.5 times the area of the lot. See Attachment 6 for the zoning map.

The Zoning By-law requires a minimum of 25% of the site area to be reserved for landscaped open space and a minimum of 1.5 square metres per dwelling unit of indoor amenity space to be provided. The Zoning By-law also provides a number of performance standards including maximum podium height, minimum and maximum building setbacks and maximum tower floor plate size.

The subject site is not subject to city-wide Zoning By-law 569-2013.

Design Guidelines

The following design guideline(s) will be used in the evaluation of this application:

- Etobicoke Centre Urban Design Guidelines;
- Etobicoke Centre Public Space and Streetscape Plan;
- Tall Building Design Guidelines;
- Growing Up: Planning for Children in New Vertical Communities;
- Pet Friendly Design Guidelines for High Density Communities;
- Percent for Public Art Program Guidelines;
- Privately Owned Publicly-Accessible Space (POPS) Urban Design Guidelines;
- Toronto Green Standard; and
- Bird Friendly Development Guidelines.

The City's Design Guidelines may be found here: <https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/design-guidelines/>

Site Plan Control

The application is subject to Site Plan Control. A Site Plan Control application has been submitted (Application 21 226413 WET 03 SA).

COMMENTS

Reasons for the Application

The application proposes an Official Plan Amendment to the Etobicoke Centre Secondary Plan to provide for an alternative parkland dedication rate as required in the Secondary Plan.

Amendments to the former City of Etobicoke Zoning Code and Site Specific Zoning By-law 1088-2002 are required as the proposal does not comply with the existing performance standards with respect to: building height; floor space index; building setbacks; required landscaped open space; and the number of vehicular parking spaces. An amendment is also required to establish appropriate development standards for the proposal.

ISSUES TO BE RESOLVED

The application has been circulated to City divisions and public agencies for comment. At this stage in the review, the following preliminary issues have been identified:

Provincial Policies and Plans Consistency/Conformity

The application will be evaluated against the policies and objectives of the *Planning Act*, PPS and the Growth Plan (2020). In particular, the proposal will be evaluated in regards to ensuring that the development recognizes the local context in terms of appropriate intensification, the promotion of well-designed built form, provides a range of housing options, and whether the proposal complies with the municipal direction for growth.

Official Plan Conformity

The Official Plan states that *Mixed Use Areas* will absorb most of the anticipated increase in retail, office and service employment in Toronto in the coming decades, as well as much of the new housing. However, not all *Mixed Use Areas* will experience the same scale or intensity of development.

The Official Plan requires developments in *Mixed Use Areas* to ensure new buildings provide appropriate transition between areas of different development intensity and scale and limit shadow impacts on adjacent lower scale *Neighbourhoods*. Other *Mixed Use Areas* development criteria establish that new development should provide good site access, circulation and parking, as well as provide indoor and outdoor recreation space for building residents in every significant multi-unit residential development.

The site is located in within the Etobicoke Centre, which is one of the four Centres within the City of Toronto.

Staff are reviewing the application to determine its conformity to the Official Plan. Key Official Plan policies that will be used to evaluate this application include, but are not limited to: the Public Realm, Built Form, Housing and Parks and Open Spaces policies in Chapter 3; and the development criteria for *Mixed Use Areas* in Chapter 4.

The application is located within the Etobicoke Centre Secondary Plan (ECSP) area. The Secondary Plan provides a framework for the Etobicoke Centre as the urban focal point for the western part of the City that utilizes existing infrastructure to create a vibrant mix of employment and housing. The site is designated *Mixed Use Area A*, which permits a wide variety of land uses and is envisioned and planned to accommodate the majority of the intensification within Etobicoke Centre boundaries. The ECSP seeks to maximize opportunities to obtain parkland to provide a geographic distribution that reflects the increase in area population with specific considerations given to new parkland being added in the western portion of the Secondary Plan area. Staff will be reviewing whether the proposed Official Plan and Zoning By-law Amendments maintains the vision for the Six Points Focus Area and the general intent of the park, urban structure and urban design policies in the ECSP.

Built Form, Planned and Built Context

The suitability of the proposed built form will be assessed based on Section 2 (j), (p), and (r) of the *Planning Act*, as well as the PPS and the Growth Plan (2020). The proposed built form will also be assessed based on the City's Official Plan policies, the ECSP policies, and applicable Urban Design Guidelines. An evaluation will be made to confirm whether the proposal is contextually appropriate and fits within its planned and built context. In particular, staff will be evaluating:

- Appropriateness of the proposed building height, massing, siting and scale;
- The relationship and transition to areas of different development intensities and scales;
- Incremental shadow impacts on the surrounding area, including the existing and proposed public realm;
- Appropriateness of the proposed tower floor plate;
- The appropriate size, placement and dimensions of the proposed parkland;
- Appropriateness of the proposed location and size of the POPS;
- Appropriateness of the location and quantity of indoor and outdoor amenity space;
- Appropriate sizing of the family sized two-bedroom and three-bedroom units in accordance with the Growing Up Guidelines;
- Appropriate relationship and potential mitigation measures to the adjacent utility corridor; and
- The impact of the proposed building on the public realm and outdoor amenity areas, including pedestrian level wind impacts on the site and in the immediate vicinity.

Tall Building Design Guidelines

In May 2013, Toronto City Council adopted the updated [city-wide Tall Building Design Guidelines](#) and directed City Planning staff to use these Guidelines in the evaluation of all new and current tall building development applications.

The Guidelines identify separation distances, setbacks and floor plate size as key factors affecting sky view, privacy, wind and the amount of sunlight and shadows that reach the public realm and neighbouring properties. Towers must be built to minimize impact on surrounding streets, parks, public and private open space, as well as existing or future buildings on adjacent sites.

The Guidelines direct tower floor plates to be limited to 750 square metres or less, and provides flexibility for non-residential or very tall buildings, where adequate tower separation, setbacks and stepbacks are achieved. Staff note that the proposed tower floor plate is 825 square metres, which exceeds both the Etobicoke Centre By-law and the Tall Building Design Guidelines floor plate limits. In addition to reviewing the proposal against the Etobicoke Centre Guidelines, the proposal will also be evaluated against the city-wide Tall Building Design Guidelines to ensure the the tall building will fit within the context and impacts are minimized.

Wind Assessment

The applicant submitted a Pedestrian Level Wind Study prepared by Gradient Wind, dated September 3, 2021. The study indicates that some uncomfortable wind conditions would occur as a result of the proposed development. Additionally, wind and weather impacts on the proposed seventh storey rooftop amenity space would result in uncomfortable and potentially unsafe conditions. The wind study identifies that wind mitigation measures for the rooftop amenity space would be required to ensure comfortable conditions are provided. The wind study will be further evaluated to ensure acceptable wind conditions are achieved on and surrounding the site.

Noise Assessment

The applicant submitted a Transportation Noise Feasibility Assessment prepared by Gradient Wind dated September 7, 2021 to determine potential noise impacts resulting from the proposed development, and to ensure compliance with provincial regulations and guidelines. City staff will retain a third party consultant to undertake a peer review of the study, at the cost of the applicant, to verify the conclusions and recommendations outlined in the report.

Electromagnetic Field Study

At its meeting on July 15, 16, 17, 2008, Council adopted a policy related to reducing electromagnetic field exposure from hydro corridors. The relevant policy is of 'prudent avoidance' to reduce childhood exposure to electromagnetic fields (EMF) in and adjacent to hydro corridors with transmission lines. When applications are received for official plan and zoning by-law amendments or plans of subdivision for residential, school or day nursery uses on property that abuts a hydro corridor, the Chief Planner

and Executive Director, City Planning, is to request the applicant to undertake an EMF management plan which outlines low or no-cost measures to minimize the increase in yearly average exposure to EMF for young children and to provide a copy of the plan to the Medical Officer of Health. The subject lands abut a hydro corridor to the immediate south of the site. Given the residential land uses proposed on site, the applicant has provided an EMF study prepared by EMF Inspections to ensure matters related to EMF exposure have been adequately addressed. Given that Toronto Public Health staff are redeployed for COVID-19 efforts, a peer review of the EMF study, at the cost of the applicant, will be required.

Park Land Dedication

The application proposes a 144 square metre POPS located north of tower, adjacent to the outdoor amenity space. A 340 square metre park land dedication is also provided on a separate parcel north of tower site, connected by a 20 metre wide City-owned piece of land that will be operated by Parks, Forestry and Recreation.

At the alternative rate of 0.4 hectares per 300 units specified in Chapter 415, Article III of the Toronto Municipal Code, the parkland dedication requirement would be 6,333 square metres or 265% of the site area. However, for sites subject to the ECSP, an alternate rate applies of 0.4 hectares per 300 units with a cap of 20% of the development site applied to the residential use, while the non-residential use is subject to a 2% parkland dedication. In total, the parkland dedication requirement for this site is 478.55 square metres. The applicant is proposing an Official Plan Amendment to lower the parkland dedication requirement in the ECSP to 14%. Staff will continue to work with the applicant to achieve further dedication of land on-site and/or combination of land and cash in lieu of land to ensure the intent of the ECSP is met.

Tree Preservation

The application is subject to the provisions of the City of Toronto Municipal Code, Chapter 813 Articles II (Street Trees By-law) and III (Private Tree By-law). The applicant submitted an Arborist Report prepared by Kuntz Forestry Consulting Inc., a Landscape Plan, Tree Protection Plan and Soil Volume Plan prepared by SvN Architects + Planners. The Arborist Report indicates the proposal would result in the protection of 12 trees, and the removal of seven trees. The submitted documentation is being reviewed by staff.

Infrastructure and Servicing Capacity

The application will be reviewed to determine if there is sufficient infrastructure capacity to accommodate the proposed development. The applicant submitted a Functional Servicing and Stormwater Management Report prepared by Lithos Group Inc., and Hydrogeological Investigation Report prepared by EXP Services Inc. The purpose of these reports is to evaluate existing subsurface conditions and the effects of the proposed development on the City's municipal servicing infrastructure and watercourses. The studies were reviewed by City staff and revisions are required. Staff will continue to work with the applicants to identify if any new infrastructure or upgrades

to the existing infrastructure are necessary to adequately service the proposed development.

Staff will also be reviewing the Transportation Impact Study prepared by Crozier Consulting Engineers in support of the application to evaluate the effects of the development on the local transportation system. Any transportation improvements that are necessary to accommodate the travel demands and impacts generated by the proposed development will be identified through this process.

Toronto Green Standard

Council has adopted the four-tier Toronto Green Standard ("TGS"). The TGS is a set of performance measures for green development. Applications for Zoning By-law Amendments, Draft Plans of Subdivision and Site Plan Control are required to meet and demonstrate compliance with Tier 1 of the Toronto Green Standard. Tiers 2, 3 and 4 are voluntary, higher levels of performance with financial incentives intended to advance the City's objectives for resilience and to achieve net-zero emissions by 2050 or sooner. Tier 1 performance measures are secured on site plan drawings and through a Site Plan Agreement. The applicant has submitted the TGS Checklist indicating they are pursuing Tier 1 performance measures. Staff are reviewing the TGS Checklist submitted by the applicant for compliance with the Tier 1 performance measures. Planning staff will encourage the applicant to pursue Tier 2 or higher performance measures through the application review process.

Community Services and Facilities

Community Services and Facilities (CS&F) are an essential part of vibrant, strong and complete communities. CS&F are the lands, buildings and structures used for the provision of programs and services provided or subsidized by the City or other public agencies, boards and commissions. They include recreation, libraries, childcare, schools, public health, human services, cultural services and employment services. The timely provision of community services and facilities is as important to the livability of the City's neighbourhoods as "hard" services like sewer, water, roads and transit. The City's Official Plan establishes and recognizes that the provision of and investment in community services and facilities supports healthy, safe, liveable, and accessible communities. Providing for a full range of community services and facilities in areas experiencing major or incremental growth, is a responsibility shared by the City, public agencies and the development community.

The applicant submitted a Community Services and Facilities Study as a section of the Planning Rationale report prepared by Goldberg Group. The report is being reviewed by City staff to determine whether any capital improvements or expansion of existing facilities are required.

Section 37 Community Benefits

The Official Plan provides for the use of Section 37 of the *Planning Act* to pass by-laws for increases in height and/or density not otherwise permitted by the Zoning By-law in

return for the provision by the applicant of community benefits in the form of capital facilities. It is standard to secure community benefits in a Section 37 Agreement which is then registered on title.

If approved, the proposal at its current height and density will be subject to Section 37 contributions under the *Planning Act*. Discussions with the Ward Councillor, City staff, residents and the applicant will be undertaken to determine the extent and nature of the required Section 37 community benefits should the application be recommended for approval. The City Council approved Implementation Guidelines and Protocol for Negotiating Section 37 Community Benefits will be used to determine appropriate Section 37 benefits. In the event the applicant provides in-kind benefits pursuant to Section 37 of the *Planning Act*, the City's Fair Wage Policy and Labour Trades Contractual Obligations will apply to such work.

Other Matters

Additional issues may be identified through the review of the application, agency comments and the community consultation process.

CONTACT

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SIGNATURE

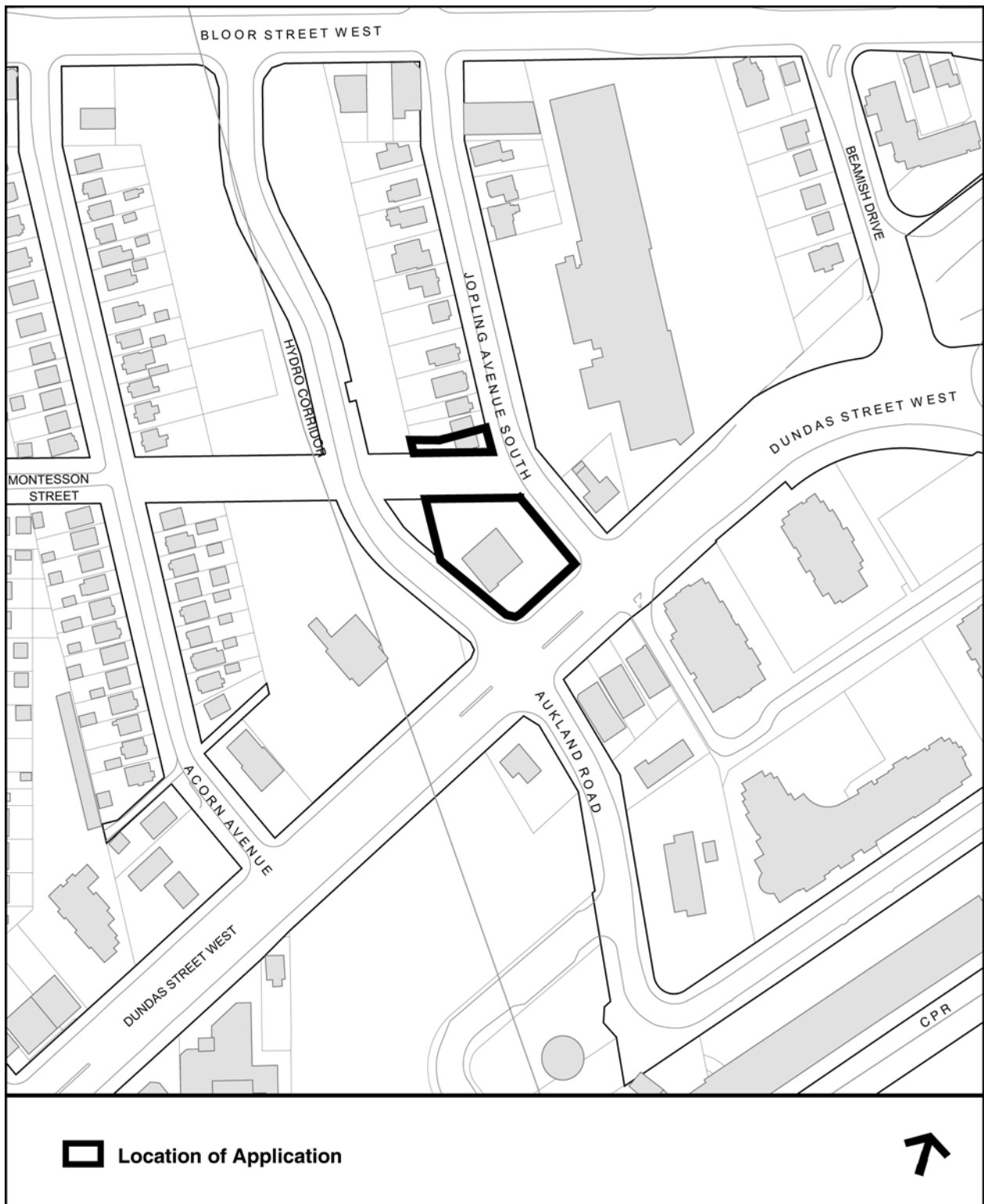
Michael Mizzi, MCIP, RPP
Director, Community Planning
Etobicoke York District

ATTACHMENTS

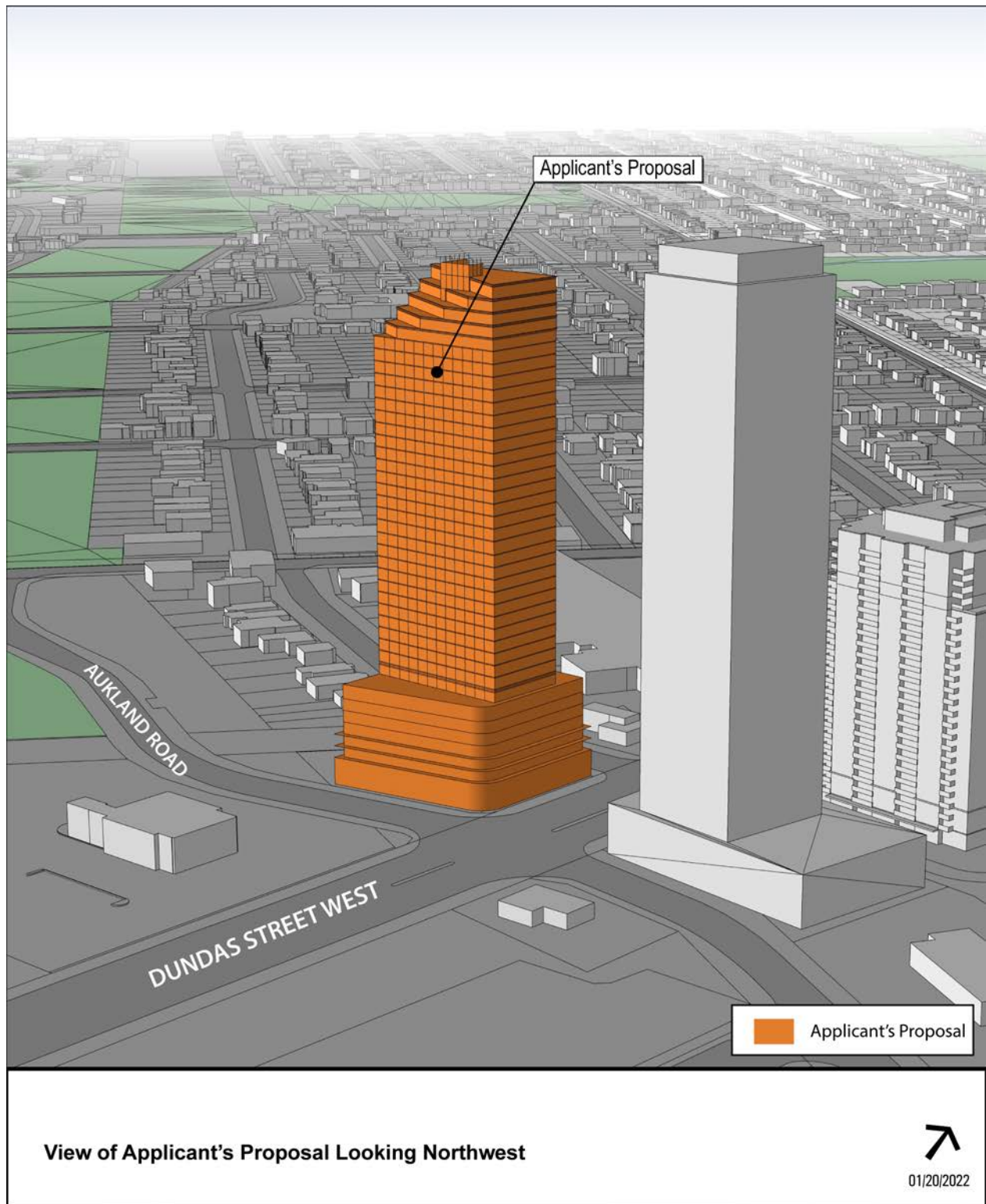
City of Toronto Drawings

Attachment 1: Location Map
Attachment 2: 3D Model of Proposal in Context
Attachment 3: Site Plan
Attachment 4: Official Plan Map
Attachment 5: Etobicoke Centre Secondary Plan Land Use Map
Attachment 6: Zoning By-law Map

Attachment 1: Location Map



Attachment 2: 3D Model of Proposal in Context



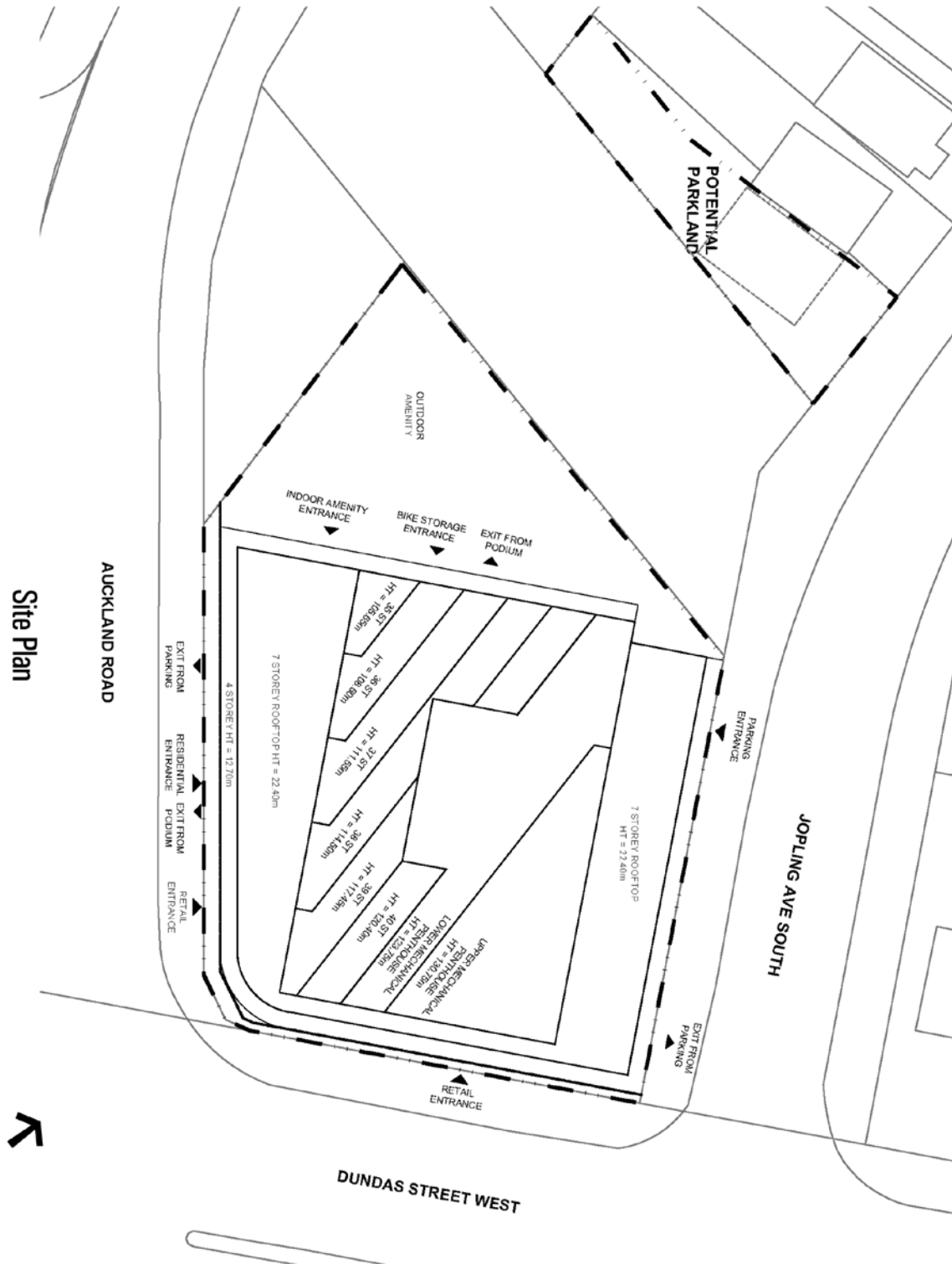


View of Applicant's Proposal Looking Southeast



01/20/2022

Attachment 3: Site Plan



Attachment 4: Official Plan Map



Official Plan Land Use Map #14

5238 Dundas Street West

File # 21 215777 WET 03 0Z



Location of Application

Neighbourhoods

Mixed Use Areas

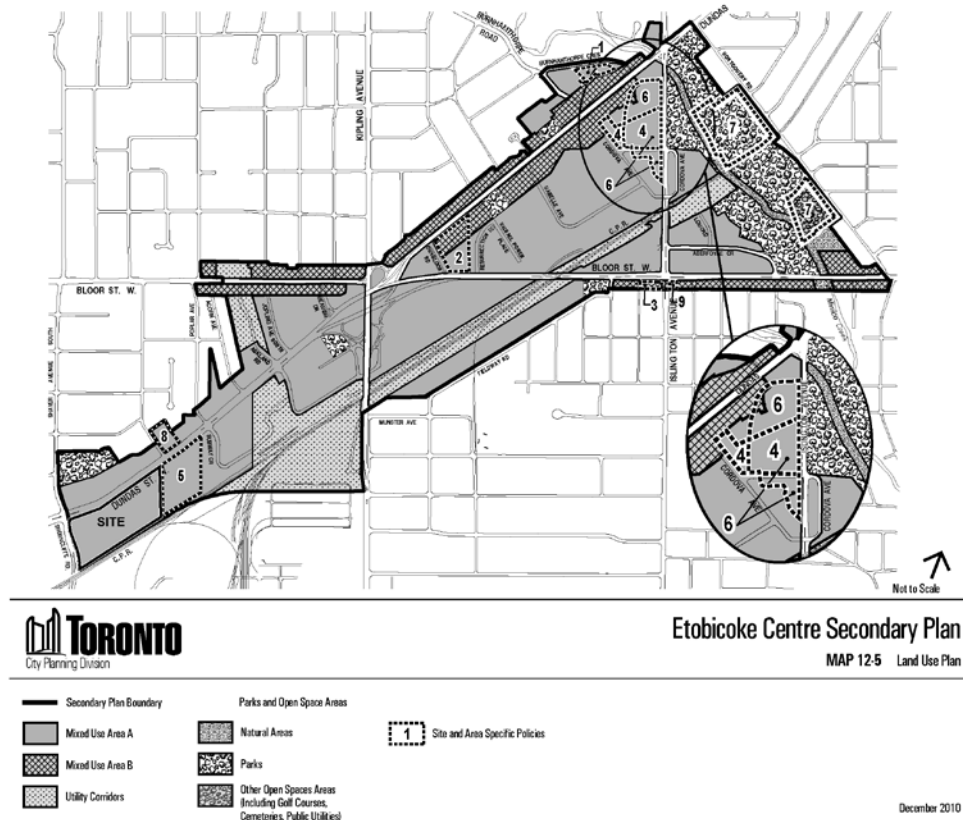
Parks

Utility Corridors



Not to Scale
Extracted: 09/27/2021

Attachment 5: Etobicoke Centre Secondary Plan Land Use Map



Attachment 6: Zoning By-law Map



Zoning By-law 569-2013

5238 Dundas Street West

File # 21 215777 WET 03 0Z



Location of Application

RD
UT

Residential Detached
Utility and Transportation



See Former City of Etobicoke By-Law No. 11,737

R2 Second Density Residential Zone
OS Public Open Space Zone
I.C1 Class 1 Industrial Zone
EC1 Etobicoke Centre 1
EC2 Etobicoke Centre 2
U Utilities Zone



Not to Scale
Extracted: 09/27/2021